

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FREDDIE L. OSBORNE,)
Petitioner,)
v.) No. 3:05-0500
WAYNE BRANDON, WARDEN,) Judge Campbell
Respondent.)

O R D E R

The Court has before it a motion for a writ of *habeas corpus* filed by a *pro se* prisoner pursuant to 28 U.S.C. § 2254. The petitioner, Freddie L. Osborne, is a prisoner in the Turney Center Industrial Prison and Farm in Only, Tennessee.

As provided in the Memorandum entered contemporaneously herewith, the petition and accompanying documents clearly establish that Osborne is not entitled to federal *habeas corpus* relief. Accordingly, his request for federal *habeas corpus* relief (Docket Entry No. 1) is DENIED and this action is DISMISSED. Rule 8, Rules – Section 2254 Cases.

Should Osborne file a timely notice of appeal from this Order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; *see Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will NOT issue because he has failed to make a substantial showing of a violation of a constitutional right, *see Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002).

Entry of this Order shall constitute the judgment in this action.

It is so ORDERED.

Todd Campbell
Todd Campbell
District Judge